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RESOLUTION NO. 09-293

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON LAGUNA/GLEN WOOD, FROM WEST LINE OF LOT 7, BLOCK 4 TO THE SOUTH LINE OF LOT 12, BLOCK 4; PAVING SIERRA HILLS FROM THE SOUTH LINE OF LAGUNA TO THE SOUTH LINE OF LOT 1, BLOCK 5; PAVING GLEN WOOD COURT SERVING LOTS 13 THROUGH 24, BLOCK 5 FROM THE EAST LINE OF GLEN WOOD TO AND INCLUDING THE CUL-DE-SAC; PAVING LAGUNA CIRCLE SERVING LOTS 2 THROUGH 12, BLOCK 5 FROM THE EAST LINE OF LAGUNA TO AND INCLUDING THE CUL-DE-SAC; GILBERT COURT SERVING LOTS 20 THROUGH 28, BLOCK 4 FROM THE SOUTH LINE OF GILBERT TO AND INCLUDING THE CUL-DE-SAC; AND PAVING GILBERT FROM THE WEST LINE OF LOT 28, BLOCK 4 TO THE EAST LINE OF LOT 20, BLOCK 4 (SOUTH OF KELLOGG, EAST OF 127TH ST. EAST) 472-84351 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING PAVEMENT ON LAGUNA/GLEN WOOD, FROM WEST LINE OF LOT 7, BLOCK 4 TO THE SOUTH LINE OF LOT 12, BLOCK 4; PAVING SIERRA HILLS FROM THE SOUTH LINE OF LAGUNA TO THE SOUTH LINE OF LOT 1, BLOCK 5; PAVING GLEN WOOD COURT SERVING LOTS 13 THROUGH 24, BLOCK 5 FROM THE EAST LINE OF GLEN WOOD TO AND INCLUDING THE CUL-DE-SAC; PAVING LAGUNA CIRCLE SERVING LOTS 2 THROUGH 12, BLOCK 5 FROM THE EAST LINE OF LAGUNA TO AND INCLUDING THE CUL-DE-SAC; GILBERT COURT SERVING LOTS 20 THROUGH 28, BLOCK 4 FROM THE SOUTH LINE OF GILBERT TO AND INCLUDING THE CUL-DE-SAC; AND PAVING GILBERT FROM THE WEST LINE OF LOT 28, BLOCK 4 TO THE EAST LINE OF LOT 20, BLOCK 4 (SOUTH OF KELLOGG, EAST OF 127TH ST. EAST) 472-84351 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-014 adopted on January 10, 2006, Resolution No. 08-192 adopted on April 8, 2008 and Resolution No. 08-214 adopted on April 22, 2008 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Laguna/Glen Wood, from west line of Lot 7, Block 4 to the south line of Lot 12, Block 4; Paving Sierra Hills from the south line of Laguna to the south line of Lot 1, Block 5; Paving Glen Wood Court serving Lots 13 through 24, Block 5 from the east line of Glen Wood to and including the cul-de-sac; Paving Laguna Circle serving Lots 2 through 12, Block 5 from the east line of Laguna to and including the cul-de-sac; Gilbert Court serving Lots 20 through 28, Block 4 from the south line of Gilbert to and including the cul-de-sac; and Paving Gilbert from the west line of Lot 28, Block 4 to the east line of Lot 20, Block 4 (south of Kellogg, east of 127th St. East) 472-84351.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Five Hundred Eight Thousand Dollars (\$508,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is

hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2008, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COUNTRY HOLLOW ADDITION

Lots 25 through 37, Block 1

Lots 37 & 38, Block 2

Lots 7 through 28, Block 4

Lots 1 through 46, Block 5

Lots 1 through 14, Block 6

Lots 1 through 5, Block 7

UNPLATTED TRACTS

Residential Tract - All of the following described tract of land lying in the Northwest Quarter, Section 26, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter, thence along the West line of said Northwest Quarter on a Kansas Coordinate System 1983 South Zone Grid Bearing of S00°44'22"E, 108.12 feet; thence N88°58'04"E 30.00 feet to the POINT OF BEGINNING, thence N88°58'04"E, 949.55 feet; thence S21°56'19"E, 476.30 feet; thence S88°43'30"W, 216.72 feet; thence S00°44'11"E, 743.43 feet; thence S89°15'49"W, 905.02 feet; thence N00°44'22"W, 1184.62 feet to the POINT OF BEGINNING. EXCEPT; the North 475 feet thereof.

Said tract CONTAINS: 644,342 square feet or 14.79 acres of land, more or less.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 25 through 36, Block 1; COUNTRY HOLLOW ADDITION shall each pay 36/10,000 of the total cost payable by the improvement district. Lots 12 through 19, Block 4; Lots 25 through 46, Block 5; Lots 1 through 14, Block 6; and Lots 1 through 5, Block 7; COUNTRY HOLLOW ADDITION shall each pay 44/10,000 of the total cost payable by the improvement district. Lot 37, Block 1; COUNTRY HOLLOW ADDITION shall pay 173/10,000 of the total cost payable by the improvement district. Lots 37 and 38, Block 2; Lots 7 through 11, Block 4; and Lots 20 through 28, Block 4; COUNTRY HOLLOW ADDITION shall each pay 173/10,000 of the total cost payable by the improvement district. Lots 1 through 24, Block 5; COUNTRY HOLLOW ADDITION shall each pay 172/10,000 of the total cost payable by the improvement district. The UNPLATTED RESIDENTIAL TRACT shall pay 343/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular

tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 1st day of September, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)